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Attorneys for Defendants
C. R. Bard, Inc. and
Bard Peripheral Vascular, Inc.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

IN RE: Bard IVC Filters Products
Liability Litigation

No. 2:15-MD-02641-DGC

**JOINT REPORT REGARDING
"TRACK 2" CASES THAT HAVE NOT
BEEN DISMISSED**

(Assigned to the Honorable David G.
Campbell)

1 In Case Management Order No. 47 dated July 16, 2020 (Doc. 21540), the Court
2 ordered the parties to submit a joint report on November 13, 2020 identifying those cases
3 remaining in the MDL that were not dismissed by November 2, 2020. The order further
4 required the parties to submit the necessary information regarding those cases so that they
5 could be remanded or transferred to the appropriate jurisdiction. The parties are therefore
6 submitting this report.

7 **I. DISMISSED CASES TO BE REINSTATED AND TRANSFERRED**

8 In the status report submitted to the Court on October 23, 2020 (Doc. 21663), the
9 parties noted that a number of plaintiffs who had previously dismissed their cases had not
10 decided whether to accept the settlement amounts allocated to them. Since that date,
11 roughly 20 have “opted out” of the settlement reached by their attorneys. Hence, the
12 parties have attached as Exhibit “A” a list of those plaintiffs. In accordance with this
13 Court’s previous orders, these cases are ready to have the previous dismissals vacated, and
14 then be transferred to the appropriate jurisdictions.

15 **II. “TRACK 2” CASES WITH SIGNED RELEASES**

16 The parties have previously filed a motion asking this Court to extend the deadline
17 for filing dismissals of cases where the plaintiff has already signed a release. See Doc.
18 21717. That motion identified roughly 900 plaintiffs that fall in that category. Since the
19 date that motion was filed, a number of additional plaintiffs have signed releases. The
20 parties respectfully request that those plaintiffs be afforded the same extension as the
21 previous plaintiffs who signed releases. A revised list of cases with signed releases is
22 attached as Exhibit “B”. However, if this Court denies the motion for an extension that was
23 previously filed, the parties will of course promptly furnish the Court an exhibit providing
24 the information necessary to complete the remand or transfer of those cases.

25 **III. “TRACK 2” CASES WITH NO FEDERAL JURISDICTION**

26 Of the remaining “Track 2” cases now ready to be remanded or transferred, there is
27 a small number of cases in which diversity of citizenship is lacking. A list of those cases is
28

1 attached as Exhibit "C". The defendants respectfully request that those cases be dismissed
2 for lack of subject matter jurisdiction.

3 **IV. THE REMAINING "TRACK 2" CASES**

4 Case Management Order no. 47 requires that the remaining cases be remanded or
5 transferred at this time. There are no cases to be remanded to the Judicial Panel on
6 Multidistrict Litigation. A list of the cases to be transferred pursuant to 28 U.S.C. sec. 1404
7 is attached as Exhibit "D". The parties note that only a small number of these plaintiffs
8 have actually opted out of the settlements reached by their attorneys. However, for a variety
9 of reasons, the other plaintiffs have not signed a release as of this date. The parties are
10 hopeful that a majority of those plaintiffs will eventually finalize their settlements.

11 **V. CASES WHERE COUNSEL MAY WITHDRAW**

12 Lastly, there are a small number of cases where, if the plaintiffs do not immediately
13 return signed releases, the plaintiffs' attorneys intend to seek leave to withdraw from the
14 cases. Those cases are listed on Exhibit "E". Counsel for these plaintiffs would prefer that
15 the motions to withdraw be addressed in this Court, rather than after remand. The plaintiffs'
16 attorneys therefore request that the Court afford those plaintiffs 30 additional days either to
17 sign a release and dismiss their cases, or for the attorneys to file a motion to withdraw.

18 The parties stand ready to address any questions or concerns about this request that
19 the Court may have.

20
21 RESPECTFULLY SUBMITTED this 13th day of November, 2020.

22
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